IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.4181 OF 2003.

IN

FIRST APPEAL STAMP NO.38301 OF 2003.

New India Assurance Co.Ltd : Appellants.

v/s.

Kamruddin Mustafa Hussain

Chowdhary & Anr. : Respondents

Mr.S.M.Vidyarthi for the appellants.

Mr.T.J.Mendon for the respondent No.1.

CORAM : D.G.DESHPANDE,J.

DATED : 13th September 2005.

ORAL ORDER

1. Heard the advocates for the appellants and respondent. This is an application for condonation of delay of 72 days. The counsel for the respondents has no serious objection.

However, the Counsel for Respondent NO.1 contended that Respondent No.2 is not served. The counsel for the Insurance Company states that since the Insurance Company is indemnifying the owner of th vehicle, it is not necessary to serve the owner. In view of this statement and the explanation given, the delay is condoned. Civil Application is disposed of.

[D.G.DESHPANDE,J]